

## ***Burlington Comprehensive Development Ordinance***

### ***PROPOSED: ZA-16-?? – Downtown Mixed Use Core Overlay***

*As proposed by the Planning staff – May 4 2016.*

Changes shown (underline to be added, strike-out to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

**Purpose:** This amendment is to facilitate the redevelopment of the Burlington Town Center with higher density mixed use development in the core of the downtown, and in so doing substantially and significantly help the City to implement many of the central goals and objectives found in the *planBTV: Downtown and Waterfront Master Plan* unanimously adopted in June 2013 to guide the future development and economic vitality of the downtown and waterfront area. It creates an overlay district to encompass a 1-2 block area in the core of the downtown area to enable taller Building Height without the necessity of a “bonus” from the DRB. It also establishes a number of building form requirements to ensure street-level activation and façade variation.

#### **Article 4: Zoning Maps and Districts, Part 2: Official Map**

##### **Sec. 4.2.1 Authority and Purpose**

A map entitled “The Official Map of the City of Burlington” **and as depicted on Map 2.2.1-1 below** is hereby established **pursuant to 24 VSA 4421** that identifies future municipal utility and facility improvements, such as road or recreational path rights-of-way, parkland, utility rights-of-way, and other public improvements. The intent is to provide the opportunity for the city to acquire land identified for public improvements prior to development for other use, and to identify the locations of required public facilities for new subdivisions and other development under review by the city.

*Map 4.2.1-1 Official Map of the City of Burlington (unchanged)*

##### **Sec. 4.2.2 **Downtown and Waterfront Core** Official Map Established**

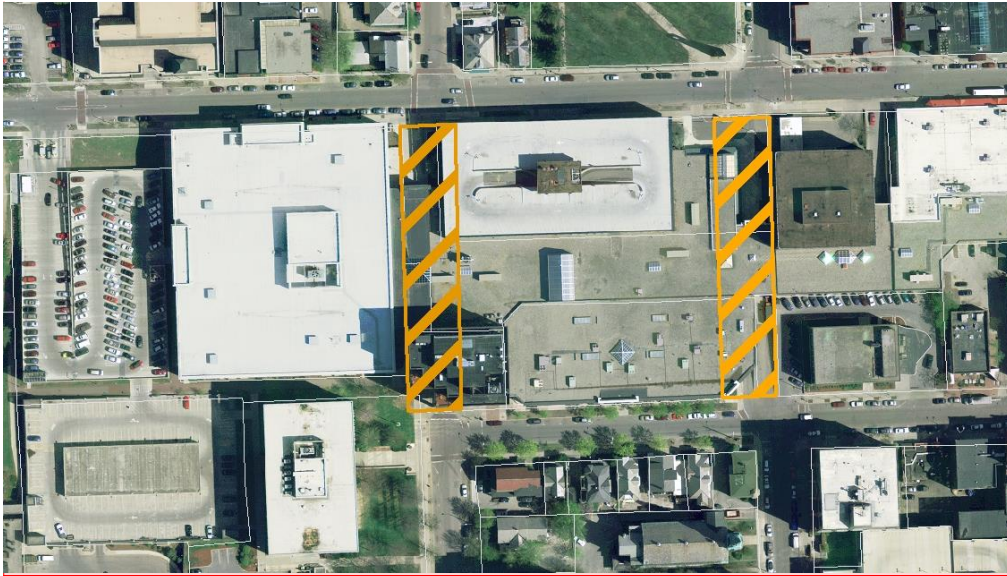
A map entitled “The Official Map of the **Downtown and Waterfront Core**” **and as depicted on Map 2.2.2-1 below** is established as part of the Official Map established above, ~~is to be dated as of the effective date hereof, is to be located in the department of zoning and planning and is incorporated herein by reference.~~ The proposed streets, public ways, public parks and other public lands and visual corridors contained therein are more particularly described as follows:

- (a) A pedestrian easement thirty (30) feet in width along the center line of Main Street extended to Lake Champlain west of the Union Station building;

**DRAFT** - 5/4/2016

- (b) A waterfront pedestrian easement fifty (50) feet in width abutting the ordinary high water mark of Lake Chaplain from Maple Street extended to College Street;
- (c) A waterfront pedestrian easement one hundred (100) feet in width abutting the ordinary high water mark of Lake Champlain from College Street extended to the north property line of the city-owned lands designated as “urban reserve” and formerly owned by the Central Vermont Railway;
- (d) Visual corridors and/or pedestrian ways sixty (60) feet in width along the center lines of Bank, Cherry, Pearl and Sherman streets extended west to Lake Champlain and visual corridors above the fourth floor along Main Street and College Street;
- (e) The following existing streets remain: Maple and King Streets and as extended to Lake chaplain; Main street; College Street and as extended to Lake Champlain; Lake Street from Main Street to College Street; Depot Street; and Battery Street;
- (f) An easement for pedestrians and bicycles twenty (20) feet in width, located adjacent to and west of the old Rutland railway right-of-way and owned by the State of Vermont running between the King Street Dock and College Street; ~~and;~~
- (g) Lake Street (north) modified: The portion of Lake Street is a street seventy (70) feet in width, the center line of which commences on the north line of College Street thence running northerly following the center line of existing Lake to a point intersecting the northerly property line of the Moran Generating Station extended east.
- (h) The re-establishment of St Paul Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles; and.
- (i) The re-establishment of Pine Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles.

**Comment [DEW1]:** This will ensure that the proposed north-south connectivity on Pine and St. Paul streets envisioned in planBTV is accomplished. The City will have 120-days to initiate proceedings to acquire any land within this area that may be proposed for new development. As proposed, the BTC will comply.



**Comment [DEW2]:** These proposed new ROW's are consistent with the BTC project as proposed

*(temporary illustration of the proposed addition)*

Map 4.2.2-1 Official Map of the Downtown and Waterfront Core ~~Waterfront Core Official Map~~

## **Article 4: Zoning Maps and Districts, Part 3: Zoning Districts Established**

### **Sec. 4.3.2 Overlay Districts Established:**

Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. the land so encumbered Properties within an Overlay District may be used and altered-developed in a manner permitted in the underlying district only if and to the extent such use or alteration is permitted in-as may be modified by the applicable overlay district. The following districts are established as overlay districts as further described in **Part 5** below:

- (a) A **Design Review Overlay (DR)** district;
- (b) A series of five (5) **Institutional Core Campus Overlay (ICC)** districts, as follows:
  - UVM Medical Center Campus (ICC-UVMMC);
  - UVM Central Campus (ICC-UVM);
  - UVM Trinity Campus (ICC-UVMT)
  - UVM South of Main Street Campus (ICC-UVMS); and,
  - Champlain College (ICC-CC);
- (c) An **RH Density Bonus Overlay (RHDB)** district;

(d) A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:

- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and,
- Special Flood Hazard Area;

(e) A **RL Larger Lot Overlay (RLLL)** district;

(f) A **Mouth of the River Overlay (MOR)** district; ~~and,~~

(g) A **Centennial Woods Overlay (CWO)** district; ~~and,~~

(h) A **Downtown Mixed Use Core (DMUC)** district.

### **Sec. 4.4.1 Downtown Mixed Use Districts**

(d) **District Specific Regulations, 4. Building Height Setbacks**

A. - unchanged

B. **Church Street Buildings:**

For the purposes protecting the historic character and scale of buildings along the Church Street Marketplace, the maximum height of any building fronting on Church Street shall be limited to ~~38 feet~~ **4-stories not to exceed 45-feet**. Any portion of a building ~~within 100 feet from the centerline of Church Street exceeding 45-feet~~ shall be set-back a minimum of ~~46~~ **10**-feet for every 10-feet of additional building height above ~~38~~ **45**-feet.

**Comment [DEW3]:** While outside of the proposed new overlay, this change is already envisioned as part of the currently proposed form-based code to provide better compatibility of building heights on Church Street. The BTC project as proposed will need its upper floors to be set back farther in order to comply

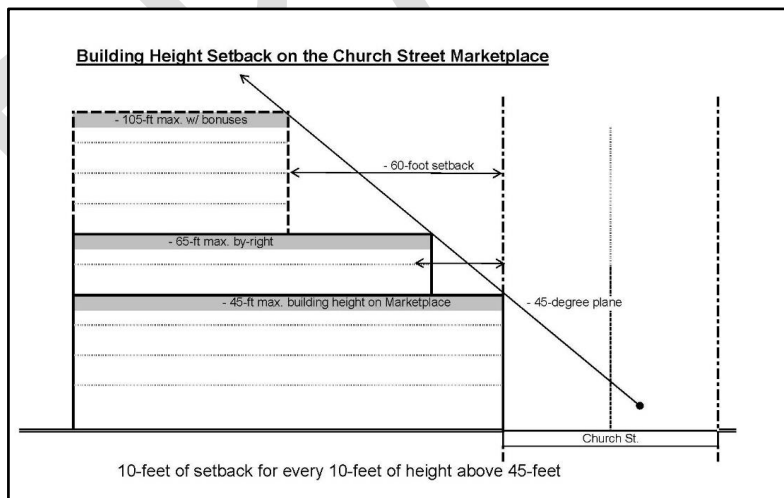


Figure 4.4.1-2 Measuring Height Limits for Church Street Buildings

C. - unchanged

### **Sec. 4.5.8 Downtown Mixed Use Core Overlay (DMUC) District**

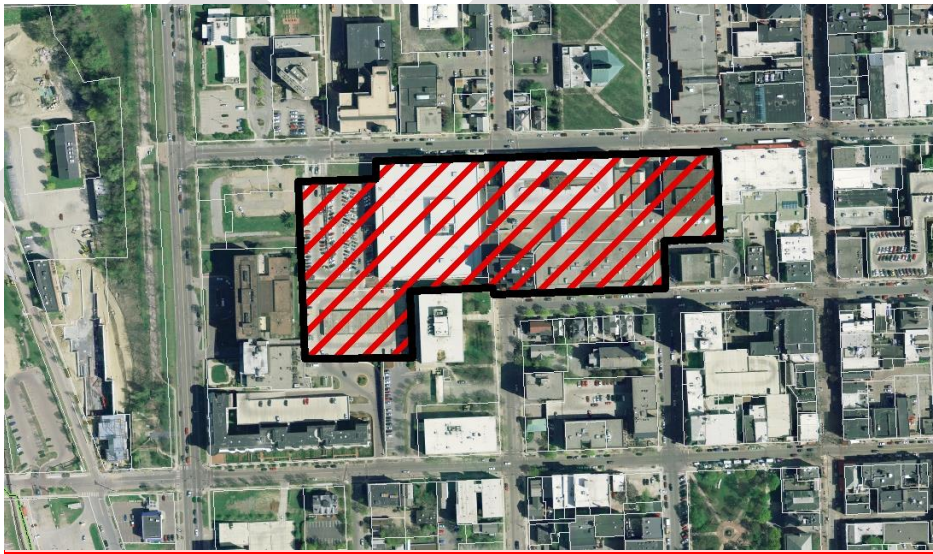
#### **(a) Purpose:**

The Downtown Mixed Use Core Overlay (DMUC) district is intended to facilitate the redevelopment of a portion of the former Urban Renewal Area in order to provide for a more walkable, connected, dense, compact, mixed use and diverse urban center. The area should support a diversity of residential, commercial, recreational, educational, civic, hospitality, and entertainment activities, and create opportunities to better connect the street grid for enhanced mobility for automobiles, pedestrians, and bicyclists in order to sustain and advance the economic vitality Burlington's downtown urban core.

This overlay allows larger scale development than is typically found in the underlying district, and development with larger and taller buildings. Development should be designed to support the diverse mixed-uses, activate and enrich the street and sidewalk for pedestrian activity, and encourage mobility throughout the district and adjacent districts for pedestrians and bicyclists with reduced reliance on automobiles.

#### **(b) Areas Covered:**

The Downtown Mixed Use Core Overlay (DMUC) district includes those portions of the Mixed Use Downtown (D) District as delineated on [Map 4.5.8-1](#).



**Comment [DEW4]:** Boundary of this area needs to consider existing and potential development in this area which has generally been supported in planBTV and by the Joint FBC Committee as the part of the downtown where greater height could be appropriate.

Map 4.5.8-1: Downtown Mixed Use Core Overlay (DMUC) district



**(c) District Specific Regulations: Downtown Mixed Use Core Overlay (DMUC) district:**

**1. Dimensional Standards:**

The maximum Building height and mass shall be as prescribed in Table 4.5.8-1 below. Building height and mass in excess of 65-feet and 5.5 FAR shall be allowed by-right and without the necessity of the DRB granting of Development Bonuses/Additional Allowances pursuant to Sec 4.4.1 (d)7.

The Dimensional Standards within the DMUC Overlay District shall be as follows:

**Table 4.5.8-1 Downtown Mixed Use Core Overlay (DMUC) District Dimensional Standards**

<b><u>Building Height</u></b>	3 stories min. 14 stories not to exceed 160-ft max
<b><u>FAR</u></b>	9.5 FAR total max per lot
<b><u>Floors 1-5</u></b>	100% of lot max.
<b><u>Floors 6-7</u></b>	75% of lot max.
<b><u>Floors 8-11</u></b>	55% of lot max.
<b><u>Floors 12+</u></b>	15, 000 sf max per individual floorplate
<b><u>Pervious Area<sup>1</sup></u></b>	10% min
<b><u>Setbacks:</u></b>	
- Front	0-ft min, 10-ft max.
- Side/Rear	0-ft min, 12-ft max.
<b><u>Occupied Build-to Zone<sup>2</sup></u></b>	100%
<b><u>Ground Floor Height (floor to floor)</u></b>	14-ft min
<b><u>Arcades<sup>3</sup></u></b>	10-ft clear depth min 14-ft clear height min

<sup>1</sup> Pervious Area is the area of a lot covered by surfaces or materials that allow for the movement or passage of water into soils below. Pervious areas include, but are not limited to, areas of a lot covered by soil/ mulch, vegetative matter, permeable pavers/pavement, bio-retention areas, or other materials that allow for the infiltration of at least the first inch (1") of rainfall. For these purposes, green roofs that capture and attenuate at least the first inch (1") of rainfall are also considered pervious area.

<sup>2</sup> Occupied Build-to Zone is the proportion of the linear distance between the maximum and minimum front setback along a front property line that must be occupied by a Building façade. In lieu of a Building façade, a streetscreen between 3.5 and 8 feet in height or active public use or activity (such as outdoor cafes) occupying no more than the lesser of 20 feet or 20% of the Build-to Zone may be included.

<sup>3</sup> An Arcade is where only the ground floor level of the Building façade is set back from the front property line. The Building façade for the upper floors is at or near the front property line within the Build-to Zone, and is supported by a colonnade with habitable space above.

**2. Urban Design Standards:**

The following urban design standards shall apply to all Buildings in the DMUC Overlay, and the DRB shall make a final determination regarding strict compliance with these standards except as provided for in E below. These standards and requirements shall take

**Comment [DEW5]:** This is important to compliance with the Pre-DA

**Comment [DEW6]:** This is important to compliance with the Pre-DA

**Comment [DEW7]:** This is important to compliance with the Pre-DA

**Comment [DEW8]:** The gradual reduction on upper floors is done to ensure that taller buildings are tapered as they go taller. May also want to include a minimum separation between individual towers – 60'?

**Comment [DEW9]:** See footnote regarding Pervious Area as a preferred alternative to lot coverage limitations. BTC project is proposing ~36% (39,405 sf) of upper floor greenspace by comparison

**Comment [DEW10]:** These come directly out of the proposed form based code

**Comment [DEW11]:** These come directly out of the proposed form based code

**Comment [DEW12]:** These come directly out of the proposed form based code. The process to incorporate role of DRB in making a final determination is a hybrid of current process and FBC

precedence without limitation over any duplicative or conflicting provisions of Article 6, and compliance with Article 6 shall be presumed where a Building is in compliance with these design standards as determined by the DRB.

**A. Overall Design:** Proposed Buildings shall present an architecturally significant design as follows:

- i. Step backs, horizontal and vertical variation, selection of materials and other architectural design techniques are used to reinforce the street wall, create transitions from adjacent buildings of a smaller mass and height, and reduce the actual and perceived height and mass of the upper stories from the street level;
- ii. Proposed Buildings provide visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing or other architectural design techniques;
- iii. Upper story proportions of Buildings emphasize vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline, reinforce opportunities for establishing points of reference for visual orientation, and retain opportunities for a view of the sky between individual Building elements.

**B. Façade Articulation:** All primary and secondary street-facing Building facades shall be articulated as follows:

- i. Building facades shall incorporate surface relief through the use of elements such as bay windows, cladding materials, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, belt courses, sign bands, windows, balconies and/or other equivalent architectural features at least three (3) of which must either recess or project from the average plane of the facade by at least four (4) inches.
- ii. Buildings with facades between seventy-five (75) feet and one hundred and fifty (150) feet in width shall include vertical changes through the horizontal plane of the Façade by dividing the facade into a series of architectural and/or structural bays between six (6) feet and sixty-five (65) feet in width involving up to a minimum of 50% of the height of the façade.
- iii. Buildings with facades greater than one hundred and fifty (150) feet in width must include a more substantial change in the horizontal plane of the façade where for every one hundred and fifty (150) feet in facade width, one (1) or more architectural bay as required above must either recess or project by at least four (4) feet involving the full height of the façade from the average plane of the street wall portion of the facade. Such bays shall occur no closer than fifty (50) feet from the Buildings corner.
- iv. Required Building Height Setbacks pursuant to Sec 4.4.1 (d) 4 shall not be applicable. Instead, upper stories of any primary and secondary street-facing Building facades exceeding six (6) stories in height shall be setback as follows:
  - a. An upper story setback at least ten (10) feet from the primary plane of the façade below shall occur within the first 60-ft of Building height at either

**Comment [DEW13]:** Pretty subjective and best place for DRB discretionary review to focus. Ultimately following standards provide some objective measure of satisfying these

**Comment [DEW14]:** Current BTC design doesn't meet this

**Comment [DEW15]:** Current BTC design doesn't meet this

the 3rd, 4th, or 5th story in order to provide a change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.

**Comment [DEW16]:** Current BTC design doesn't meet this on St. Paul and Pine,

- b. For Building facades exceeding ten (10) stories in height a second upper story setback at least ten (10) feet from the primary plane of the façade below shall occur at either the 10th, 11th, or 12th story in order to provide another change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.

**Comment [DEW17]:** Current BTC design doesn't meet this on St. Paul and Pine,

- c. Setbacks must be visually set off from the stories below by a balustrade, parapet, cornice and/or similar architectural feature, and are encouraged to be activated as an outdoor amenity space for Building occupants.

- d. The upper stories beyond a setback may be visually differentiated from the stories below by a change in color, materials and/or pattern of fenestration in order to reduce the actual or perceived massing of the Building overall.

- v. Where visible, the raised foundation or basement of a Building must be visually differentiated from the stories above by a horizontal expression line and change in color, material, and/or pattern of fenestration;
- vi. The lower one to five stories of a Building must be visually differentiated from the stories above by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the façade; and,
- vii. The top one to five stories of a Building must be visually differentiated from the stories below by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the façade
- viii. The top of a Building must have a cornice, parapet, pitched or shaped roof form and/or other equivalent architectural feature involving a projection from the average plane of the façade by at least six (6) inches to serve as an expression of the Buildings top.

**C. Street Activation:** All Buildings shall activate the street as follows:

- i. Buildings shall have one or more principal entrances for pedestrians at street level that are clearly identified as such along the primary street frontage or at a corner where a corner lot.
- ii. The linear distance along the primary street frontage between ground floor entries shall not exceed 60-feet, and such doors must be open and operable by residential occupants at all times and non-residential occupants and customers during business hours.

**Comment [DEW18]:** define



iii. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, canopies, awnings, transoms, sidelights and/or other design elements appropriate to the architectural style and details of the Building as a whole. Bays including a principal entrance should be expressed vertically, and may have little or no horizontal expression required below any required upper story setback.

iv. Requirements regarding voids and the transparency of glazing in a primary and secondary street-facing Building facade shall be as follows:

	<u>Ground Floor</u>	<u>Upper Floors</u>
<u><b>Voids</b></u> <u>(rough openings for windows and doors per floor)</u>	<u>70% min, 80% of which shall be concentrated between 3-10 feet above the adjacent sidewalk</u>	<u>20% min</u>
<u>- Horizontal and vertical distance between voids</u>	<u>20' max.</u>	
<u><b>Transparency:</b></u> <u>- applicable to 80% of the glazing on each floor.</u>		
<u>- VLT - Visible Light Transmittance<sup>1</sup></u>	<u>60% min</u>	<u>40% min</u>
<u>- VLR - Visible Light Reflectance</u>	<u>15% max</u>	<u>15% max</u>

<sup>1</sup>May be reduced to 50 and 30% respectively to meet the requirements of a High Performance Building Energy Code or equivalent program as determined by the DRB.

v. Street-facing, street-level windows must allow views into a ground story non-residential use for a depth of at least 3 feet for the first 4 feet above the level of the finished sidewalk in order to provide for a window display, and for a depth of at least 8 feet for the next 4 feet above the level of the finished sidewalk in order to provide a view into the interior of the space. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space). External security shutters are not permitted.

#### **D. Materials:**

The following requirements regarding the selection and use of Building materials is intended to improve the physical quality and durability of buildings, enhance the pedestrian experience, and protect the character of the downtown area.

i. Primary Materials: Not less than 80 percent of each street-facing Facade shall be constructed of primary materials comprised of high quality, durable, and natural materials. For Facades over 100 square feet, more than one primary material shall be used. Changes between primary materials must occur only at inside corners. The following are considered acceptable primary materials:

- a. Brick and tile masonry;
- b. Native stone;
- c. Wood – panels, clapboard or shingles;

- d. Glass curtain wall; and,
    - e. Cementitious siding;
  - ii. Accent Materials: The following accent materials may make up no more than 20% of the surface area on each Façade. Accent materials are limited to:
    - a. Pre-cast masonry (for trim and cornice elements only);
    - b. External Insulation Finishing System - EIFS (for upper story trim and cornice elements only);
    - c. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only);
    - d. Metal (for beams, lintels, trim elements and ornamentation, and exterior architectural metal panels and cladding only);
    - e. Split-faced block (for piers, foundation walls and chimneys only); and,
    - f. Glass block.
  - iii. Alternate Materials: Alternate materials, including high quality synthetic materials, may be approved by the Planning Director after seeking input from the Design Advisory Board. New materials must be considered equivalent or better than the materials listed above and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.
  - iv. Other:
    - a. The use of recycled and/or regionally-sourced materials is strongly encouraged.
    - b. With the exception of natural wood siding or shingles such as cedar or redwood intended to gradually weather with time, all exposed wood and wood-like products (e.g. fiber-cement) shall be painted or stained. Exterior trim shall be indistinguishable from wood when painted.
    - c. Any synthetic siding and finish products shall be smooth-faced with no artificial grain texturing.
- E. **Alternative Compliance:** Relief from any non-numerical standard above, and any numerical standard with the exception of building height and FAR by no more than 20% of such requirement, may be granted by the Development Review Board. In granting such relief, the DRB shall find that:
  - i. the relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;
  - ii. the relief if granted is the minimum necessary to achieve the desired result;
  - iii. the property will otherwise be developed consistent the purpose of this ordinance, the intent of the underlying Zoning District and this Overlay District, the intent and purpose of the section that the relief is being sought, and all other applicable standards;
  - iv. the relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties; and,

- v. the relief if granted will yield a result equal to or better than strict compliance with the standard being relieved.

## **5. Parking**

- i. All onsite parking shall be provided either underground, setback a minimum of 20-ft behind the façade of building at the ground level, or above the ground floor, and shall participate in any Downtown Parking and Transportation Management District.
- ii. Entrances to parking areas and structures shall be located along a secondary street frontage where available.
- iii. The paved portion of vehicular entrances to parking areas and structures shall not exceed 24-ft clear width, and entrances to parking structures shall not exceed 16-ft clear height at the street frontage.
- iv. At least one pedestrian route from all parking areas and structures shall lead directly to a street Frontage (i.e., not directly into a Building).
- v. Any surface parking not within a parking structure shall be setback a minimum of 5-feet from any side or rear property line.
- vi. All structured parking with frontage on any portion of a public street shall be screened as follows:
  - a. The required setback between the parking and the public street at the ground level must be occupied by an active use (such as, but not limited to, residential, retail, office, recreational or services). This requirement shall not apply to parking along a secondary street frontage or located either entirely below-grade or above the ground floor where parking may come right up to the building's perimeter.
  - b. Where upper stories of structured parking are located at the perimeter of a building, they must be screened so that cars are not visible from ground level view from adjacent property or adjacent public street right-of-way.
  - c. All floors of a parking structure fronting a public street must be level (not inclined), and any sloped ramps between parking levels must be setback a minimum of 20-ft from the street-facing building façade and shall not be discernible along the perimeter of the parking structure.
  - d. Architectural and vegetative screening shall be used to articulate any street-facing building façade, and to hide parked vehicles and shield overhead lighting and vehicle headlights from the street and adjacent properties. Ground floor facade treatment (building materials, windows, and architectural detailing) must be continued on upper stories.

**Comment [DEW19]:** Do we still want/need this?

## 6. Signs

A master sign plan pursuant to Article 7 Part 3 is required for all sites occupied by more than three tenants where all signs must meet the requirements of the master sign plan. The master sign plan must establish standards of consistency as applicable of all signs to be provided on the subject property with regard to:

- Colors;
- Letter/graphics style;
- Location and Sign Type;
- Materials;
- Methods of illumination; and/or
- Maximum dimensions and proportion.

In addition to the flexibility from the requirements of Article 7 provided under Sec. 7.3.4, the following shall also be permitted when incorporated as part of a master sign plan in the DMUC Overlay:

i. Projecting Signs: One projecting sign may be permitted for each ground floor use provided such sign:

- a. does not exceed 8 square feet in area;
- b. does not project more than 4 feet from the building façade on which it is attached;
- c. has its lowest edge at least eight (8) feet above any pedestrian way;
- d. has its highest edge no more than eighteen (18) feet above any pedestrian way; and,
- e. Any encroachment into the public right-of-way must also be approved by the City Council.

ii. Marquee Signs: One marquee sign per primary street frontage may be permitted provided such sign:

- a. is located above the principal Building entrance;
- b. projects a minimum of 6 feet from the building façade on which it is attached but in no event more than 10 feet and 3 feet from the curb;
- c. has its lowest edge at least 9'6" above any pedestrian way;
- d. has its highest edge no more the lesser of the floor level of the third story or 35 feet above any pedestrian way;
- e. is no more than 40 feet in width;
- f. may contain an area for manual changeable copy that does not exceed 30 percent of the area of the sign face on which it is located or 32 square feet, whichever is less; and,
- g. Any encroachment into the public right-of-way must also be approved by the City Council.

iii. Canopies and Awnings:

**Comment [DEW20]:** Consistent with Church Street Marketplace and proposed FBC. Currently limited to only 4 sf.

**Comment [DEW21]:** This remains incomplete...

**7. Green Buildings**

New development in the DMUC Overlay shall be built to the standard of LEED Gold Certification as evidenced by the submission of a completed LEED checklist by a LEED AP at the time of application, and shall use all reasonable efforts to obtain such final certification upon project completion. New development in the DMUC Overlay shall also strive to achieve the energy reduction goals outlined in the “Architecture 2030 Challenge” as evidenced by...

**Comment [DEW22]:** This remains incomplete

**Sec. 5.2.6 Building Height Limits**

(a) *unchanged*

**(b) Exceptions to Height Limits**

1. Additions and new construction on parcels created prior to January 1, 2008 that contain a non-conforming existing structure-Principal Building exceeding thirty-five (35) feet the maximum permitted Building in-height as of January 1, 2008 may exceed the maximum permitted Building height of the zoning district thirty-five (35) feet subject to the design review provisions of Art. 3 and 6, but in no event shall exceed the height of the existing non-conforming Principal Buildingstructure.
2. In no case shall the height of any structure exceed the limit permitted by federal and state regulations regarding flight paths of airplanes.
3. Greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features are exempt from specific height limitations but shall be subject to the design review provisions of Art. 3 and 6.
4. Ornamental and symbolic features of buildings and structures, including towers, spires, cupolas, belfries and domes, where such features are not used for human occupancy or commercial identification, are also exempt from specific height limitations and shall be subject to the design review provisions of Art. 3 and 6.
- 4.5 Stairs, Elevator Towers and Mechanical Equipment shall be allowed to encroach beyond the maximum building height by no more than 10-feet and provided they do not exceed 20% of the roof area.  
Exposed mechanical equipment shall be fully screened on all sides to the full height of the equipment, and positioned on the roof to be unseen from view at the street level. Screening may consist of parapets, screens, latticework, louvered panels, and/or other similar methods.  
Where incorporated into and hidden within the roof structure, or a mechanical penthouse setback a minimum of 10-ft from the roof edge, no such area limit shall apply.
5. The footprint of such architectural features shall not exceed ten percent (10%) of the total roof area.

6. All forms of communications equipment including satellite dish antennae shall not be exempt from height limitations except as provided in Sec 5.4.7 of this Article.
- ~~6.7.~~ The administrative officer may allow for up to a 10% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum.

**Comment [DEW23]:** Important changes to screening requirements for rooftop equipment and flexibility in amount and numerical building height limits. This is duplicated in the NAC-STJ amendment as well – see which gets adopted first.

DRAFT